IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13892 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE JAYANT PATEL

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MADANPRASAD SHREEKRISHNA

Versus

DISTRICT COLLECTOR

Appearance:

1. Special Civil Application No. 13892 of 2003

MR KR KOSHTI for Petitioner No. 1

Mr.Mengdey, Asst.GOVERNMENT PLEADER for Respondent No. 1

MS SUDHA R GANGWAR for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE JAYANT PATEL

Date of decision: 13/02/2004

ORAL JUDGEMENT

The present petition is preferred by the petitioner for directing the authority to recover the amount 1,39,154/- + interest and penalty as per recovery certificate issued by the Labour court, dated 10.1.2002.

2. Heard Mr.Koshti for the petitioner and Mr.Mengdey, ld.AGP for the respondents.

3. The ld.AGP at outset has submitted that the bunglaw in the name of Kiritkumar Ratilal-the respondent No.2 is found to be the property from which the amount can be recovered. However, the Ld.AGP submitted that the before auctioning the property valuation report is required to be called for fixing the upset price and recovery shall be effected within a requisite time, namely, after the valuation report is received.

4. Under the above circumstances, when the revenue officers are taking steps for recovery of amount I find that the following directions shall meet with the ends of justice:

(i) The respondent No.1 shall take immediate steps for getting the valuation of the property of the respondent No.2, i.e. the above referred bungalow and shall take further action for recovery of the amount as per recovery certificate and shall complete the same within three months from the date of receipt of this order.

5. Petition is disposed of in terms of above direction. Rule is made absolute accordingly. There shall be no costs. Liberty to apply in case of difficulty.

13.2.2004 (JAYANT PATEL,J)